



State Universities Civil Service System

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217/278-3150

Agenda for the Human Resource Directors Advisory Committee Meeting

Date: July 27, 2018

Time: 10:00 a.m.

- 1. Welcome and Introductions**
- 2. Furlough Rule**
- 3. Leave of Absence for Disability Leave ([Section 250.110 \(b\)\(3\)](#))**
- 4. EAC/HRDAC Joint Meeting Ideas**
- 5. Merit Board and Discharge Process Contact**
- 6. Governance Risk and Compliance Audit Update**
- 7. Report of the Executive Director – Jeff Brownfield**
 - a. Exemption Procedures Manual**
 - b. Statutory Update – HB3185**
 - c. Grant Funded Employees**
 - d. Student and Extra Help Employees**
 - e. Class Plan Update**
 - f. Staffing Update**
 - g. Legal Update**
- 8. Other Items as Presented**

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
 CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
 STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

- 250.5 Definitions
- 250.10 Purpose, Adoption, and Amendment of Rules
- 250.20 The State Universities Civil Service System and its Divisions
- 250.30 The Classification Plan
- 250.40 Military Service Preference, Veterans Preference
- 250.50 Examinations
- 250.60 Eligible Registers
- 250.70 Nonstatus Appointments
- 250.80 Status Appointments
- 250.90 Probationary Period
- 250.100 Reassignments and Transfers
- 250.110 Separations and Demotions
- 250.119 Furloughs
- 250.120 Seniority
- 250.130 Review Procedures
- 250.140 Delegation of Authority and Responsibilities
- 250.150 Training
- 250.160 Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996; amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009; amended at 36 Ill. Reg. 6014, effective April 6, 2012; amended at 37 Ill. Reg. 419, effective December 26, 2012; amended at 39 Ill. Reg.

13504, effective December 1, 2015; amended at 40 Ill. Reg. 3105, effective January 26, 2016; emergency amendment at 40 Ill. Reg. 3772, effective March 1, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. 11192, effective August 4, 2016; amended at 40 Ill. Reg. 16302, effective December 12, 2016; amended at 41 Ill. Reg. 11576, effective August 30, 2017; amended at 42 Ill. Reg. _____, effective _____.

Section 250.119 Furloughs

~~This Section is applicable through September 30, 2017.~~

- a) Furlough. A furlough is the placement of an employee in a temporary nonduty, nonpay status for a continuous or noncontinuous period of time due only to a lack of funds. A furlough is not considered a layoff or a reduction in force action and, therefore, is not subject to Section 250.110(d) regarding a layoff~~layoffs~~.

b) Provisions. In order to invoke a furlough program the employer must show significant fiscal distress such as:

- 1) Failure to receive an annual appropriation by the General Assembly or severe and significant cuts to an annual appropriation by the General Assembly, and
- 2) The furlough program must also mitigate the need for significant and permanent layoffs for the prospective 9-12 months after the furlough program has ended; and
- 3). Student employees cannot be used to replace status employees who are being furloughed.

cb) Furlough Program Stipulations. A furlough program shall not be used by an employer for the following reasons:

- 1) Permanent shutdown;
- 2) As a substitute for permanent part-time employment; or
- 3) As a disciplinary measure.

de) Criteria. Uniform participation and selection criteria shall be developed for the designated place of employment and consistently applied. This Section shall only apply to employees who are designated within the employer's furlough program in accordance with subsections (d) through (pe).

- ed) Temporary and Extra Help Appointments~~Employee Terminations~~. Prior to the implementation of a furlough program, all employees~~An employee~~ on a temporary appointment or an extra help appointment shall be terminated ~~prior to implementation of the furlough program~~, unless an exception is permitted subject to subsection (hg)~~the appointment is required based on health and welfare or public safety, or a designated grant or other funding source~~.
- fe) Student Appointments. Student~~All student~~ appointments shall be terminated subject to Section 250.70(e) shall be placed in a furlough status for an amount of time that is generally equal to that of traditional civil service employees who are being furloughed, unless an exception is permitted subject to subsection (hg)~~the student appointment is required for health and welfare or public safety, or the appointment is part of the student's financial aid, or if the student is receiving academic credit as part of the conditions of the student appointment~~.
- gfe) Voluntary or Mandatory Furlough Program. A furlough can be either voluntary or mandatory. A voluntary or mandatory furlough program is not required to include all employees at a designated employer or within a division or program.
- hg) Exceptions. Employers may exempt positions from a furlough program under the following conditions:
- 1) Positions/employees who have mandated funding, such as a grant or other funding source, or whose absence would jeopardize the funding for a position/employee or department;~~may be exempted from the furlough program.~~
 - 2) Employees in positions considered essential to the critical mission of an employer, such as those related to health and welfare or public safety;~~may also be excluded from participation in a furlough program. Uniform participation and selection criteria shall be developed by the employer and consistently applied. This Section shall only apply to employees who are designated within the employer's furlough program in accordance with subsections (e) through (m).~~
 - 3) Employees in positions considered essential to maintain facilities during a furlough program; or
 - 4) Students whose positions are part of their financial aid package or whose position results in the awarding of academic credit.
- ihd) Notification of Furlough Program to Employees. No furlough program may be implemented unless~~Once an employer plans to implement a furlough program~~, the employer has notified~~shall notify~~ all employees at least 30 days prior to a

furlough program being implemented. The process by which the employer chooses to notify employees is at the employer's discretion, but must conform to the employer's policies related to contacting an employee for official business. The notice must inform the employee of the date or dates on which the employee is to be on furlough status and the end date of the furlough program.

jie) Furlough Work Status. An employee who is furloughed shall not be at work, on standby or on-call, and shall not perform any work for the furloughing employer during his/her scheduled furlough time. However, for emergency situations, employees subject to a collective bargaining agreement may be called back to work in accordance with the agreement. For those employees not subject to a collective bargaining agreement, employees may be called back to work in accordance with standard employer policies.

kif) Employee Benefits

- 1) Employees who are furloughed are not permitted to use vacation, sick leave, personal leave, "floating" holidays, or any other compensable time or similar benefit for the time during which he/she is being furloughed.
- 2) Notwithstanding any other Section in this Part, or the fact that an employee's work hours or pay is reduced by the requirement to take a furlough, ~~A) furlough time will be credited as if the employee were in pay status for employee benefit programs such as health, life, dental and vision insurance and any similar benefits, and~~
~~B) pension credit for furlough time can be purchased by an employee as provided under Section 15-113.11 of the Illinois Pension Code [40 ILCS 5] (i.e., for furlough time taken between July 1, 2015 and June 30, 2017, pension credit can be purchased; otherwise, it cannot).~~
- 3) A furloughed employee shall be entitled to the same benefits to which he/she was entitled on the paid workday immediately preceding the furlough day. These benefits include, but are not limited to, continued accumulation of vacation and sick leave, holiday benefits, and benefits established by the Merit Board Policy Relating to Employee Benefits as approved by the Merit Board, and other benefits approved by the Governing Boards of the universities and agencies served by the University System.
- 4) A furloughed employee shall continue to accrue seniority during any and all furlough work days.

- lkg) Maximum Number of Furlough Work Days. A furlough program shall only be instituted for a maximum of 15 work days in any fiscal year (July 1 through June 30).
- mlh) Employer's Tracking of Furlough Days. ~~The~~In order for an employee to continue under the State Employees Group Insurance Act of 1971 [5 ILCS 375], the employer is required to track designated furlough days for each employee.
- ~~i)~~ ~~Accumulation of Seniority during a Furlough Status. An employee shall continue to accrue seniority during any and all furlough work days.~~
- nmi) Military Leave during a Furlough Program. An employee on military leave shall not be scheduled for any furlough days during his/her leave and may be scheduled for furlough days that may be prorated dependent upon the date the employee returns to work, if a furlough program remains in effect.
- ~~k)~~ ~~Furlough Program Stipulations. A furlough program shall not be used by an employer for the following reasons:~~
- ~~1)~~ ~~Permanent shutdown;~~
 - ~~2)~~ ~~As a substitute for permanent part-time employment; or~~
 - ~~3)~~ ~~As a disciplinary measure.~~
- onl) Collective Bargaining Agreements. Implementation of furloughs for employees covered under a collective bargaining agreement is subject to applicable State and federal labor laws and regulations. This Section does not absolve, is not intended to circumvent or supersede other State or federal labor laws and/or regulations that apply; including the responsibility to bargain with employees covered under a collective bargaining agreement.
- pem) Notification to the State Universities Civil Service System of a Furlough Program. An employer may institute a voluntary or mandatory furlough program upon notification to the Executive Director at least 30 calendar days prior to the implementation of any employee being furloughed. The employer shall include in the notification the following:
- ~~1)~~ ~~Whether the furlough program is for the entire employer or designated divisions or programs;~~
 - 12) What considerations have been contemplated or invoked for other employees, such as those listed in Section 36e(1) through (5) of the Act;

- 23) An explanation of the facts related to the temporary nature of the event causing the furlough program;
- 34) The funding deficit related to the affected work areas;
- 45) The approximate number of employees affected by the furlough program; and
- 56) The beginning ~~date~~ and ending ~~dates~~~~date~~ of the furlough program for the employer.

gg) Reporting Requirements for a Furlough Program. An employer shall provide specific reports to the University System office within 10 calendar days following the implementation of a furlough program. These reports shall contain the following:

- 1) Summary of positions affected by the furlough program:
 - A) Headcount of total employees impacted and their classifications;
 - B) Number of furlough days being implemented;
 - C) Approximate amount of savings for the designated positions/employees; and
 - D) Impact of furloughs invoked for other employees, such as those listed in Section 36e(1) through (5) of the Act.
- 2) An explanation of the facts related to the temporary nature of the event causing the furlough program.
- 3) Other related documentation as requested by the University System office.

(Source: Amended at 42 Ill. Reg. _____, effective _____)

SUBTITLE A

Section 250.110 Separations and Demotions

- a) Resignation. An employee having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation by the employee or other evidence of intent to separate from employment, the employee will be separated from his/her employer. The employer shall maintain all resignations or other documentation of evidence in accordance with the employer's record retention policy.
- b) Leave of Absence
 - 1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any intern appointment, provisional appointment, and/or probationary period in the new class.
 - 2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position.
 - 3) Leave of Absence for Disability Leave
 - A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal laws, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).
 - B) A status employee who becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State retirement system to which the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program, shall be granted a disability leave. The disability leave shall be the period for which the employee applies for such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits

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and those available under the approving authority.

- C) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.
- D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).
- E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.
- F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.
- G) Reemployment
 - i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the

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time the disability leave was granted and in accordance with total seniority earned.

- ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the University System.
- 4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal laws and regulations.
- 5) Notification
 - A) The employer may select:
 - i) to notify the Executive Director of all leaves of absence, including military, disability, or any other leave otherwise granted; or
 - ii) to maintain these records for inspection upon request by the Executive Director or designee during the on-site audit program or other specified time.
 - B) The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.
- c) Termination
 - 1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment.
 - 2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment in accordance with subsection (c)(5), or the employer and employee may agree upon employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.
 - 3) An employee who fails to report for duty after a disability leave of

SUMMARY OF ADMINISTRATIVE RULES GOVERNING THE DISCHARGE PROCESS

Note: A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge.

All Civil Service Rules referred to herein are cited as the Illinois Administrative Code found at 80 Ill. Adm. Code § 250.110(f))

STEP 1	Section 250.110(f)(1)(A) and (C) of the Illinois Administrative Code
<p>The employer shall notify the employee in writing of Intent to Discharge in sufficient detail to advise the employee of the nature of the conduct on which the proposed charges are based. The employer shall specifically state the proposed charges in a list format (1, 2, 3, etc.). The employee may be placed on excused absence with pay during the pre-discharge proceedings to provide the employer with an opportunity to investigate serious charges or if the employer believes the employee's presence on the job might cause a disruption in the employer's operations. Refer to Intent to File Written Charges for Discharge sample letter available on our web site at www.sucss.illinois.gov.</p>	

STEP 2			Section 250.110(f)(1)(A)(i) and (ii) of the Illinois Administrative Code		
Within three (3) work days of service of the notification of Intent to Discharge, the employee may select one of the following options. If the employee fails to respond to the notification of Intent to Discharge, the employer may go directly to Step 5.					
Option 1		Option 2		Option 3	
Respond in writing to the employer on the matters contained in the proposed charges.		Request the employer to hold a reconciliation conference.		Request a reconciliation conference and respond in writing to the employer on the matters contained in the proposed charges.	

STEP 3	Section 250.110(f)(1)(A)(i) and (ii) of the Illinois Administrative Code
<p>Within a reasonable time from the employees' request to hold a reconciliation conference, the employer shall hold such conference with the employee and the employee's representative to discuss the matters in the proposed charges in an attempt to achieve a reconciliation or an understanding. At the conclusion of the reconciliation conference, the employee may request and receive an opportunity to respond further in writing within three (3) work days.</p>	

STEP 4		Section 250.110(f)(1)(B) of the Illinois Administrative Code
Within seven (7) work days after considering the employee's written response and/or conclusion of the reconciliation conference the employer has the following options:		
Option 1	Option 2	
File Written Charges for Discharge.	The employer notifies the employee that no further action will be taken or that some other disciplinary action will be taken.	

STEP 5	Section 250.110(f)(2)(A) and (B) of the Illinois Administrative Code
<p>The employer shall initiate discharge of the employee by serving a Written Charges for Discharge form on the employee by either personal service or by overnight delivery that requires a signature upon receipt. The Written Charges for Discharge form shall set forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based, including dates, names of persons, places and facts necessary to properly alleged cause for discharge. The employer shall specifically state the charges in a list format (1, 2, 3, etc.), followed by the relevant factual documentation in support of the charges. The Written Charges for Discharge should essentially contain the same charges listed in the Intent to Discharge letter referenced in Step 1, unless any of the charges are withdrawn. Refer to the Written Charges for Discharge form available on our web site.</p> <p>The Written Charges for Discharge form shall be filed with the State Universities Civil Service System (University System) Office, along with a certification by the employer verifying that all procedures set forth in section 250.110(f)(1) of the Illinois Administrative Code have been followed and there has been full compliance with any options elected by the employee in Step 2. Refer to Certification form available on our web site at www.sucss.illinois.gov.</p> <p>NOTE: The Proof of Service on Employee section at the bottom of the Written Charges for Discharge form must be completed in full by the employer when filed with the University System Office.</p>	

STEP 6	Section 250.110(f)(2)(D) of the Illinois Administrative Code
<p>The employer may suspend the employee without pay during all or any part of the period pending discharge if the employer believes the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on the employer's operations. A Suspension Notice Pending Discharge form may be served with the Written Charges for Discharge form or any time thereafter. Refer to Suspension Notice Pending Discharge form available on our web site at www.sucss.illinois.gov.</p> <p>NOTE: The Proof of Service on Employee section at the bottom of the Suspension Notice Pending Discharge form must be completed in full by the employer when filed with the University System Office.</p>	

STEP 7		Section 250.110(f)(3)(A) and (B) of the Illinois Administrative Code
After the employee has been served with the Written Charges for Discharge form, the employee has the following options:		
Option 1	Option 2	
Take no action. At the end of the 15-calendar day period, the University System Office notifies the employer that a request for a Hearing was not made and that the discharge became effective at the end of the 15th day without further action by the Merit Board.	Request a Hearing. The request must be made within fifteen (15) calendar days from the date of Proof of Service on Employee as provided on the Written Charges for Discharge form. The employee may request a Hearing by a signed written letter mailed or hand delivered to the University System Office, by facsimile, or by email.	
NOTE: The 15-calendar days begin from the date on the Proof of Service on Employee section of the Written Charges for Discharge form.		

STEP 8	Section 250.110(f)(4)(A) of the Illinois Administrative Code
When a request for a Hearing has been received, the University System Office shall send an acknowledgment of the requested Hearing to the employee, the employee's representative or the employee's legal counsel, and the Employer. The University System Office shall then appoint a Hearing Officer and schedule a Hearing. The Hearing shall be held within 45-calendar days from the date of Proof of Service on Employee as provided on the Written Charges for Discharge form. The University System Office shall notify the parties of record by sending a Notice of Convening of Hearing, which shall include the date, time and place of Hearing will be held. A copy of the Informational Guidelines for the Discharge/Demotion Process shall accompany the Notice of Convening of Hearing. Refer to Informational Guidelines for the Discharge/Demotion Process available on our web site at www.sucss.illinois.gov .	

STEP 9	Section 250.110(f)((5) and (6) of the Illinois Administrative Code
The Hearing shall be conducted in accordance with section 250.110(f) of the Illinois Administrative Code. The employer and the employee are given a reasonable opportunity to present their cases through witness testimony and documentary evidence. A court reporter is employed to administer the oath or affirmation to all witnesses testifying and to certify a copy of the transcript of the Hearing and all exhibits to the Secretary for the Merit Board.	

STEP 10**Section 250.110(f)(4)(A) of the Illinois Administrative Code**

As soon as possible following the conclusion of the Hearing, the University System Office shall receive the Transcript of the Proceedings and exhibits which shall then be mailed to the Hearing Officer to prepare a Findings of Fact.

STEP 11**Section 250.110(f)(4)(B) of the Illinois Administrative Code**

Within fifteen (15) calendar days from receipt of the Transcript and exhibits, the Hearing Officer shall file the Findings of Fact with the Secretary for the Merit Board, unless the time has been extended by the Executive Director of the University System Office. Refer to Findings of Fact sample and template available on our web site at www.sucss.ilinois.gov.

STEP 12**Sections 250.110(f)(4)(C) and (D) of the Illinois Administrative Code**

The Hearing Record shall be certified by the Executive Director and mailed to the parties of record.

STEP 13**Section 250.110(f)(4)(D) of the Illinois Administrative Code**

The parties of record have fourteen (14) calendar days from the date of postmark on the Notice of Certification of Hearing Record to file any objections to the Certified Hearing Record. Any objections must be filed with the Secretary for the Merit Board. Objections may be in the form of briefs, abstracts, excerpts from the Hearing Record, arguments, motions, recommendations, requests for further Hearing, or permission to supplement the record with further evidence. Copies must be provided to all parties of record with proof of service on all parties.

STEP 14**Section 250.110(f)(4)(E) of the Illinois Administrative Code**

At the expiration of the 14-day period in which objections can be filed, the Hearing Record, as supplemented, shall be delivered to the Merit Board Members for consideration. Personal appearances before the Merit Board on any matter relating to a particular discharge proceeding shall be considered at the Merit Board meeting at which oral argument is requested. A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days from the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties.

Note: At any point during the previous steps an employee may submit a resignation or an employer may withdraw the Written Charges for Discharge at which time all proceedings are ended and no further action is required by the Merit Board.

STEP 15**Section 250.110(f)(16) and (17) of the Illinois Administrative Code**

After review of the record, at the next scheduled regular meeting, the Merit Board shall enter Findings of Fact and order Discharge or Reinstatement without loss of compensation or Reinstatement with a suspension of between 60 and 120 days. The Secretary for the Merit Board shall mail the Notice of Decision and Order of the Merit Board, along with a copy of the Decision and Order, to all parties of record.

STEP 16**Section 360 of the State Universities Civil Service Act (110 ILCS 70/360) and section 250.110(f)(18) of the Illinois Administrative Code**

All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law (735 ILCS 5/3-101 *et seq.*). A complaint for administrative review must be filed and summons issued within 35 days from the date that a copy of the Notice of Decision and order of the Merit Board has been served upon the party affected thereby. A decision shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected thereby at his or her last known residence or place of business.